



## WEARE BOARD OF SELECTMEN MEETING MINUTES

June 21, 2004

\*\*\*DRAFT\*\*\*

**PRESENT:** LAURA PETRAIN, CHAIRMAN; THOMAS REYNOLDS JR., SELECTMAN; DOUGLAS R. COOK, SELECTMAN; HELEEN KURK, SELECTMAN; LEON METHOT, CO-CHAIRMAN.

**ADMINISTRATIVE COORDINATOR:** ROBERT CHRISTENSEN

**RECORDING SECRETARY:** SHERRY BUTT DUNHAM

**GUESTS:** FRANK CAMPANA, FORREST ESENWINE, GINGER ESENWINE, MARK BODANZA, MYLES RIGNEY, THOMAS DUNN, PAT MYERS, CHIP MEANY,

### **1. 1<sup>st</sup> NON-PUBLIC SESSION @ 6:00 P.M. RSA 91-A:3 II (a).**

Chairman Petrain moved the board of selectmen to enter into non-public session at 6:00 p.m. pursuant to the authority granted in RSA 91-A:3 II (a). Selectman Reynolds seconded the motion. A roll call vote was taken. Selectman Cook, yes; Selectman Kurk, yes; Chairman Petrain, yes; Selectman Reynolds, yes; Co-chairman Methot, yes—motion passed unanimously. Robert Christensen, Chip Meany, Cheryl LaBuda and Sherry Butt Dunham attended this session.

Chairman Petrain moved the board to exit non-public session at 6:43 p.m. Selectman Cook seconded the motion. A roll call vote was taken. Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes; Selectman Reynolds, yes; Co-chairman Methot, yes.

Chairman Petrain moved the board to seal and restrict the minutes of the non-public session pursuant to the authority granted in RSA 91-A:3 II, Co-chairman Methot seconded—motion passed unanimously.

### **2. 2<sup>nd</sup> NON-PUBLIC SESSION 6:45 P.M. RSA 91-A:3 II (a)**

Chairman Petrain moved the board of selectmen to enter into non-public session at 6:45 p.m. pursuant to the authority granted in RSA 91-A:3 II (a). Selectman Reynolds seconded the motion. A roll call vote was taken. Selectman Cook, yes; Selectman

Kurk, yes; Chairman Petrain, yes; Selectman Reynolds, yes; Co-chairman Methot, yes—motion passed unanimously. Robert Christensen, Chip Meany and Sherry Butt Dunham attended this session.

Chairman Petrain moved the board to exit non-public session at 7:02 p.m. Selectman Kurk seconded the motion. A roll call vote was taken. Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes; Selectman Reynolds, yes; Co-chairman Methot, yes.

Chairman Petrain moved the board to seal and restrict the minutes of the non-public session pursuant to the authority granted in RSA 91-A:3 II, Co-chairman Methot seconded—motion passed unanimously.

Chairman Petrain opened the Selectmen's Meeting, held at the Town Office Building, at 7:02 p.m. with the Pledge of Allegiance.

### **3. PUBLIC PARTICIPATION 7:02 P.M.**

Co-chair Methot told Mr. Campana that the tax bill print-outs will remain the same due to the software used by the tax collector. He also gave Mr. Campana a print-out of the general fund balance and said those figures are subject to change by the end of the week. Co-chairman Methot noted that he completed all three of his voluntary tasks.

### **MANIFESTS—7:10 P.M.**

Selectman Chairman Laura Petrain made a motion to authorize the board of selectmen to sign manifests and order the treasurer to sign checks dated June 24, 2004 in the amount of: \$387,295.40 for accounts payable and \$29,407.87 for gross payroll at a total of \$416,703.35 Motion seconded by Selectman Kurk, vote taken—motion passed unanimously.

Selectman Chairman Laura Petrain made a motion to authorize the board of selectmen to sign manifests and order the treasurer to sign checks dated July 1, 2004 in the amount of: \$225,000.00 for accounts payable and \$30,000.00 for gross payroll at a total of \$225,000.00. Motion seconded by Selectman Kurk, vote taken—motion passed unanimously.

### **MINUTES—PUBLIC MINUTES ON HOLD**

**NON-PUBLIC MINUTES**—The board reviewed sets of non-public minutes for approval. Chairman Petrain moved to approve the following non-public minutes. March 8, 2004 a & c, March 8, 2004 a & c second session . Apr. 5, 2004 c, March. 15, 2004 a & c.

March 29, 2004 e, 12:20 p.m. All to be re-sealed. Motion seconded by Selectman Kurk and approved unanimously.

#### **4. GUESTS—MR. THOMAS DUNN 7:30 P.M.**

Chairman Petrain yielded the floor to Mr. Dunn of the New Hampshire Municipal Association at 7:30 p.m. He handed the board materials and business cards. He has attended the meeting on behalf of the NHMA—the board is again considering membership. The membership dues are \$4,009 per year, said Mr. Dunn.

Mr. Dunn talked about NHMA and a restructuring in management the association has experienced over the last three years. Member benefits are followed:

- Municipal policy issues at the legislative level
- A researcher in the legal department
- Reduced pricing on NHMA publications
- Many of the publications are used in the training courses
- Courses are free for members
- Personnel services, policies, hiring, recruitment of police chiefs
- Website with member links
- Annual conference
- Eligibility to participate in one of the three insurance carriers
- Conference / training center improvements

Chairman Petrain said she has seen a big improvement in the NHMA. She said legal assistance, training opportunities and legal services have improved.

Selectman Kurk asked who can call the NHMA for advice, services or questions? The board of selectmen and Mr. Christensen—residents cannot utilize the services of the NHMA, said Mr. Dunn.

Selectman Kurk asked Mr. Dunn to explain how they differ from Primex? He said the NHMA has provided services to cities and towns for a very long time, longer than Primex and he feels NHMA serves the needs of local government better than most other organizations.

Selectman Cook asked about policies and policy making—you are a lobbyist for the municipalities correct, so what happens if we don't approve of your position? Mr. Dunn said the NHMA polls their members asking for recommendations on what issues are important and which are less important. He said the NHMA holds information sharing sessions with membership towns and then meets in committee to determine whether or not they will pursue legislative measures or attempt to block a legislative measure.

Selectman Cook said initially the board prioritized NHMA out of the operating budget due to budgetary constraints created by default budgets. He said the only benefit the board ever used was legal services, however NHMA always told the board to confer with town counsel. Basically, the board elected to drop NHMA and seek legal services from the town's attorney.

Selectman Cook said he can see that perhaps NHMA improved their services over the last few years. He said the board's decision comes down economics.

## **5. OLD BUSINESS 8:00 P.M.**

**LIFE SAFETY CODE ISSUE 7:55 P.M.**—Chip Meany discussed the waiver issued to a local resident who installed incorrect sized windows. The state waived a fire safety requirement. Mr. Meany recommends a fire escape to compensate for the fire safety requirement. Mr. Meany asked the board if he can sign the occupancy permit on behalf of the board of selectmen? Mr. Meany asked if the town will require the fire marshal waiver attached to the deed, in an effort to warn potential future owners. The board responded in the affirmative.

## **WEBSITE PRESENTATION 8:05 P.M.**

Tina Pelletier presented the website page she designed for the town and showed the board the new layout and links to popular sites. She has set-up the site to provide forms and applications, storage and reading of meeting minutes from various boards and committees. Each department is in charge of their own page to update. Selectman Cook asked if volunteers will have a job description and information package available on line? Yes, that can and will be done.

Dot gov domain name for free and linked to state government website to provide easy access.

People can sign-up on line to receive meeting minutes via e-mail—Mrs. Pelletier said the process Merry Rice currently uses will remain the same. She has also designed a bulletin page for public notices. An elections page will be designed and maintained most likely by the town clerk so that people will know what positions are available, pertinent filing dates and election results will follow.

Selectman Cook wants to make sure the town is not losing any service with the new site page design or domain name. He wants to ensure that Mrs. Rice does not have more work to do—Mrs. Pelletier said everything is the same aside from learning how to use the new Front Page software.

Keeping server in-house will take more training on Mrs. Pelletier part—she is not in favor of that. Selectman Cook wants the server in house because the town will get

that for free. He said his original intention was to have the entire process in house to save the town money. He doesn't think there will be issues with the server going down.

Selectman Kurk asked about the advantages and disadvantages of having a server in-house? Mrs. Pelletier said she would have to conduct more research.

Chairman Petrain said if the server is an in house unit it will take time away from employees performing town work. Selectman Cook strongly disagreed, saying thus far the town hasn't had to deal with server problems on their own. Having a server go down is not a common occurrence, he said.

Selectman Cook recommends having Jon Wallace implement two servers for the town office. Password protected so only selected town employees have access.

Selectman Kurk asked Mr. Christensen to offer his opinion—He said he does not think its wise to have a server in house. It will cost the town \$17.00 a month, said Mr. Christensen, to contract with an offsite server. These companies have mirror systems, he said, which keep the website up even during problems. Mr. Christensen prefers to go off site and pay the nominal fee of around \$17 to \$20 per month for a hands free web-hosting service.

Selectman Cook raised the possibility of hidden or future costs involved in contracting web hosting services. I don't buy into your argument—I want to keep the server in-house, said Selectman Cook.

Selectman Kurk said she wants to know the advantages of each option—In-house vs. outsourced web hosting. I'm still not hearing the advantages and disadvantages to both options, she said. Selectman Cook said the town does not have the money in the budget to outsource web hosting.

Chairman Petrain said the town is looking at a cost either way, so why not try outsourcing for a while and then see if its worth the expense and bother. She said it is cheaper right now to go with an outsourcing company. Selectman Cook noted the board does not have a dollar for dollar assessment in front of them—Chairman Petrain said right now the town is paying \$40 per month for e-mail, with the web hosting company e-mail service will cost \$17 per month.

Mr. Christensen offered the board an opportunity to meet with an IT professional to discuss the pros & cons of in sourcing vs. outsourcing. Yes, said Chairman Petrain—on July 6, 2004.

**POLICE DEPARTMENT PERSONNEL POLICY**—Chairman Petrain told Police Chief Myles Rigney that the board has a few questions for him on proposed changes to the

police department's personnel policy and they are highlighted in red. She noted that these changes will not be implemented over night.

Chief Rigney said the policy was signed in 2003 and he read from the last page—a clause that states the policy / contract / agreement cannot be changed unilaterally without agreement from the patrolmen's association, the police chief and the board of selectmen. He reminded the board that they cannot change the policy without meeting with the patrolmen's association because if they do, the town could be sued. As management, I have to tell you that the board cannot change this document. The patrolmen's association has secured counsel, said Chief Rigney. Chairman Petrain said the town does not acknowledge the patrolmen's association as an organized labor union.

You are walking a very dangerous road, said Chief Rigney. Selectman Cook said it flies in the face of the police department when you make changes to a police department policy without consulting with them. The police personnel policy was drafted and approved by the police commission and the board of the selectmen, noted Selectman Cook.

If we are going to be consistent and fair to all departments, then we have to go over the library personnel policy and the fire department policy—each of those department have separate personnel policies, said Selectman Cook.

Selectman Cook indicated he was upset that the board did not invite the police department to last meeting to discuss the proposed changes.

Chairman Petrain said that every time she has a question regarding the police department she is accused of harassing them.

Chairman Petrain said if the police department's personnel policy guarantees police employees 100% paid insurance coverage, then the town must offer the same benefit to all town employees—Selectman Cook does not agree. He said police officers put their lives on the line and 100% paid health insurance is an employment benefit commensurate with all law enforcement agencies. Chairman Petrain indicated that hazardous duty pay is included in salaries paid to police officers—she said their wages already compensate the dangerous attributes of their work.

Chief Rigney said his department is under the largest microscope—you want to come after me okay—but leave the officers alone, he said.

Lt. Mark Bodanza said the Weare Police Benevolent Association doesn't mind town counsel looking at the personnel policy, as long as the board understands, the police association will also have the policy reviewed by their attorney to protect the police officers' interests.

Lt. Bodanza noted that the police association would challenge a chief-of-police if he attempted to alter their personnel policy unilaterally. Lt. Bodanza told the board he doesn't want to see a huge rift between officers and the board. And he does not think the proposed changes to the police department personnel policy are major.

Chairman Petrain said the board tonight is asking the police association for their input on any policy changes.

Lt. Bodanza said it appeared the board intended to make changes to the police department personnel policy without the associations input—a clear violation of the clause that states no changes to this policy can be made unilaterally. Selectman Kurk asked Lt. Bodanza if the police association's attorney looked at the policy prior to signing? No, he said.

**DEFINING POSSIBLE CHANGES**—On the bottom of page 15—clarify what is required. Next page attorney circled the words floating holidays—which holidays are floating? The attorney wants the term floating holiday specified by the actual floating holidays. Martin Luther King Day and Columbus Day, said Chief Rigney. He noted that the officers have the same floating holidays as town office employees.

Military leave section—the attorney noted a change on page 16, change the phrase “town” officer to “police” officer. Chief Rigney disagreed with this change. He said his department has non-sworn personnel who may be covered under this clause.

Insurance, page 17—the attorney noted that this clause binds the town to provide 100% paid insurance coverage. Attorney recommends the phrase, “May change carriers upon notice to employees.” Selectman Methot says he has no problem with the statement as drafted, does not support changing the wording as recommended by town counsel.

Page 20—Town counsel recommends changing the words “wage & benefits” to “personnel policy.” Chief Rigney objected to this change. Chairman Petrain said the document is considered a personnel policy. She said the cover page denotes it as such.

**CONSERVATION COMMISSION LAND PURCHASE**—Pat Myers reminded the board about the bank closing on a conservation land purchase and asked which selectmen wishes to attend the closing and sign on behalf of the town? Selectman Cook expressed a desire to attend the closing. Co-chairman Methot made a motion authorizing Selectman Cook to attend the closing on behalf of the board of selectmen. Motion seconded by Selectman Kurk—motion carries unanimously.

Closing is Thursday at 3 p.m. Selectman Cook asked Mr. Christensen to remind him. The board signed the purchase and sale for Ms. Myers. Mr. Christensen witnessed the document. Ms. Myers took possession of the contract.

**REMINDER**—Budget summit with department heads on Wednesday June 30, 2004 at 7 p.m. at the Emma Sawyer Community Room of the Weare Public Library. The summit is spearheaded by the board, but not a board meeting. Mr. Christensen said cemetery trustees, Weare School District and John Stark will attend. He sent out numerous letters of invitation. Selectman Kurk noted this is a public meeting for the purpose of informal discussion. Mr. Christensen said he has already posted the meeting to cover the legal requirement for a quorum.

The session will focus on expensive items that may appear on the 2005 warrant. Coordination between the school district and the town will help keep the 2005 warrant in line with the fiscal needs of the town, said Selectmen Kurk.

#### **ADMINISTRATOR REPORT 9:44 P.M.**

--Health insurance work session posted for July 6, 2004

--Playground insurance—the town is already covered for this in the policy. The town will have to invite insurance company playground engineers to review the playground plans.

--Farmers market insurance, the town is covered in terms of liability, but the vendors are not covered. The farmers could group together as a non-profit and purchase liability insurance. Mr. Christensen advised the organizers to file for non-profit status.

--Mr. Christensen announced the resignation Mark Tessio and handed the board position details to review. The position is a part-time job with the Town of Weare and Mr. Christensen said he is eager to post this position as soon as possible. The board approved the job description and said he could post it tomorrow.

--Gazebo vandalized over the weekend. Approximately \$1,000. in damages. Mr. Christensen noted the town has a \$1,000 deductible on the insurance policy. According to Mr. Christensen, damage to the water spigot caused underground water damage affecting two town buildings. Weare DPW workers and town equipment were used to repair the damage, said Mr. Christensen. Carl Knapp fixed the spigot in a manner that if this happens again, less damage will occur. Mr. Christensen said he made a formal police report. Selectman Cook said video cameras are everywhere and if the people who did this are watching tonight, they should probably avoid the embarrassment of an arrest and turn themselves in to the police.

--Map request from Hillsborough County Registry of Deeds for permission to obtain maps from Cartographics.

--Communication Presentation—Mr. Christensen unveiled a new plan to efficiently keep track of public documents. He will place tracking numbers on the agenda and put documents in a note book for the board and a flexible media packet for the



recording secretary. Mr. Christensen would make the notebooks accessible to the board on the Friday before the Monday night meeting. Mr. Christensen will start the tracking system immediately.

**6. NEW BUSINESS 9:00 P.M.**

**ETHICS CODE**—Postpone until July 19, 2004.

**SOUTHERN NH PLANNING**—Appointees are recommended and appointed by the planning board.

**CHECKS BEING HELD**—Chairman Petrain asked Mr. Christensen to tell the finance administrator to pay those police items that she has on hold. I had no idea these checks were being withheld and that is not what I want to see happen, she said. Fire arms instructor is one of the checks being withheld. She asked Mr. Christensen to make sure Ms. Pierson does not hold-up checks based on one board member's budgetary or manifest question.

**CEMETERY**—Selectman Kurk got a letter from Ms. Wheldon saying the cemeteries look wonderful and she wants to pass that information along.

**PROPERTY LOT 203-37**—Selectman Kurk noted that the town abated the owner and told him he did not own the land. They gave him a \$20.00 rebate for last year's taxes. Selectman Kurk wants to see if the town can rebate all the years the land owner paid taxes on that parcel of land. Selectman Cook said the state law does not mandate municipalities to rebate the value of taxes the person has paid for land incidentally.

Something seems wrong about us being able to tax him since 1968 on property he never owned, said Selectman Kurk. When he attempted to sell the land to the town, the town surveyed it and realized the man didn't own the land to be able to sell it to the town, she explained. Selectman Kurk said we could pay him the assessed value. I think we're culpable, she said. Selectman Cook said the state allows the town to abate for the current year. Chairman Petrain said she agrees with Selectman Cook on this matter.

Selectman Kurk thinks it's wrong to keep his money—morally wrong. She wants to give him \$1,000. Chairman Petrain asked where that money would come from? Overlay accounts. Selectman Cook does not agree, he and Chairman Petrain want to find out how that property found its way onto the town's tax rolls. The board will revisit this matter on July 17, 2004.

**SAFETY COMPLEX**—Landscapers put down loam, planted some buses and shrubs today, said Selectman Cook. The parking lot will be paved after the guardrails are installed.

Selectman Cook said the DPW needs to submit a reclamation plan for the gravel they excavated in the back of the safety complex . Chip Meany fielded a complaint from an abutter.

**GRAVEL**—A business in the industrial park—Diesel Don Boisvert, doing excavating on his property across the street from Lancetots. He has spoken to Selectman Cook on numerous occasions regarding the gravel removal or excavation. Selectman Cook does not think Boisvert needs to address the planning board on this project because its incidental use. However, Planning Board Chairman Paul Morin said, Mr. Boisvert is selling the gravel and therefore he must go before the planning board with excavation details. The board discussed the finer points of the earth products ordinance and debated the merits and drawbacks of the ordinance. Most of the board feels Mr. Boisvert's use is incidental at this point. Selectman Cook said Mr. Boisvert will write the board a letter and a plan so the board can see what he intends to do.

**BILL BEAUPRE E-MAIL LETTER**—Selectman Cook said Mr. Beaupre wants to know if it would be appropriate for the board to meet with the action committee and draft plans for the future use of the middle school buildings. Selectman Cook proposed inviting the action committee and school board to an upcoming meeting for a work session. Mr. Christensen will contact Mr. Beaupre and see when he is available.

**SERVER**—Selectman Cook asked who is in charge of the server updating? He suggested Ms. Pierson update and place on the server the fund balance spread sheet and updated it for the board frequently. He wants department heads to update their information on the board's server either monthly or quarterly. Now that the template exists, it should be uploaded on the server and updated, he said. Selectman Cook also reminded Mr. Christensen that department heads must submit their monthly reports. Mr. Christensen said he reminded them once and he will remind them again. Chairman Petrain said uploading their reports is not new to the department heads. Selectman Cook said people need to make monthly reports and updating the server an important priority.

**BOUTIN ASSOCIATES LEGAL BILL**—Selectman Cook asked if this fee is for one case? Yes, and the case may be ongoing said Mr. Christensen. Selectman Cook and Co-chairman Methot said the bill seems like it's a lot of money for one case.

### **7. 3<sup>rd</sup> NON-PUBLIC SESSION @ 11:00 P.M. RSA 91-A:3 II (a) & (c)**

Chairman Petrain moved the board of selectmen to enter into non-public session at 11 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) &(c). Selectman Kurk seconded the motion. A roll call vote was taken. Selectman Cook, yes; Selectman Kurk, yes; Chairman Petrain, yes; Selectman Reynolds, yes; Co-chairman Methot,

yes—motion passed unanimously. Robert Christensen and Sherry Butt Dunham attended this session.

Chairman Petrain moved the board to exit non-public session at 11:30 p.m. Selectman Reynolds seconded the motion. A roll call vote was taken. Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes; Selectman Reynolds, yes; Co-chairman Methot, yes.

Chairman Petrain moved the board to seal and restrict the minutes of the non-public session pursuant to the authority granted in RSA 91-A:3 II, Selectman Cook seconded—motion passed unanimously.

#### **8. ADJOURNMENT 11:30 P.M.**

#### **A True Record**

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**Sherry Butt Dunham, *Recording Secretary***